

**Minutes of Meeting**  
**Joint Board of Selectmen & Grafton Planning Board**  
**Grafton Planning Board Workshop**  
**June 21, 2016**

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A regular meeting of the Grafton Planning Board was held on June 21, 2016 in Planning Department Office at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the workshop were Chairman Michael Scully (joined the meeting at 7:15 p.m.), Vice Chair Robert Hassinger, Clerk Dave Robbins and Member Linda Hassinger. Staff present was Town Planner Joseph Laydon and Assistant Town Planner Ann Morgan.

The meeting was originally scheduled to be held in Conference Room B. The Board moved the meeting to the Planning Department Office due to the unavailability of the original meeting room at the time the meeting was scheduled to start. A written notice was posted on the door of Conference Room B directing people to the new location. A sign was posted on the door of the Planning Department Office confirming the location.

Vice Chairman Hassinger called the meeting to order at 7:11 p.m.

**2A: Action Item: Sign Restrictive Covenant for “Gristmill Village” Subdivision**

Mr. Laydon stated that the Board had previously signed the covenant for “Gristmill Village” at an earlier meeting. Upon further review and discussion with the developer’s lawyer it was determined that a revised covenant would be in the best interests of the Town. Mr. Hassinger asked if the Board had any comments to the revised document. There were none.

**MOTION** by Mr. Robbins **SECOND** by Mrs. Hassinger to approve and sign the revised covenant for the “Gristmill Village” subdivision. **MOTION** carried unanimously 4 to 0.

**2B: Action Item: Signature of Worcester District Registry of Deeds (WDRD) Forms**

Ms. Morgan recommended that the Board table this item until the two new Board members were appointed which would be taking place later in the evening. This would enable staff to send one form with all members listed. The Board tabled this item to the next meeting.

**3A: Workshop: Discussion of Medical Marijuana By-law Development**

The Board reviewed the work to date with regards to Medical Marijuana and the amendments passed at the last Town Meeting. It was noted that there is pending legislation, which may or may not be enacted, as well as a ballot initiative, which may or may not be on the State ballot in November, and if it is, may or may not pass, to legalize recreational marijuana. Mr. Robbins noted that the Town must begin to prepare for the possibility that recreational marijuana will be legalized. He noted that until such time as something passes at the State level, the Town is limited in what it can do now with regards to crafting local protections via zoning. Points of discussion included:

- Planning for the future possibility of legalized recreational marijuana now.
- Strengthening what is already in the Zoning By-Law – such as looking at buffers from residential districts. Could the Board establish buffers from residential districts for medical marijuana sale locations that could also be used for recreational marijuana sale locations? How would it be addressed in the Village Mixed Use zone – is that zone considered primarily residential when considering buffers?

- What should be allowed by right and what should be by Special Permit. Mr. Hassinger noted that the Special Permit process allows the Town to set conditions on a case by case basis which is a powerful tool. Mr. Robbins noted that the flip side to that argument is that there is stronger potential for arbitrary conditions that could be challenged.
- How to prevent the potential for Medical Marijuana facilities adding retail sales of recreational marijuana and associated paraphernalia.
- What are the limits of local control in light of State Law?
- What is the timeline to have something in place in the event that a ballot question passes to legalize recreational marijuana? The Town doesn't want to miss its opportunity to create local controls. Mr. Robbins reviewed the legislative process noting that there would be time for municipalities to develop their own local controls as the State's Cannabis Commission works out the regulations.
- What if the legislation doesn't pass? There is still a need to prepare for the future as there are a number of advocates who will be working to see something passed.
- Is a moratorium as possibility? The Attorney General's office has very strict guidelines for permitting moratoriums. If municipalities are given ample opportunity and notice to develop local controls then a moratorium may not be allowed.
- Should there be language and procedures specific to marijuana sales called out in the Zoning By-Law? Mr. Scully noted that it would be better to have something very tight and strong on the books as soon as possible and start firm and loosen the reigns on regulation down the line.

Mr. Robbins noted that crafting language specific to recreational use of marijuana would be difficult without the specific parameters without a State law which legalizes its use. He added that the Town can't prohibit a use that is still illegal – that would be rejected by the Attorney General's office. Mr. Hassinger reviewed how the Board and the Town worked towards addressing the adult uses in the Zoning By-Law adding that there was language in Chapter 40A which could guide them.

**1A: Joint Meeting with Board of Selectmen in Conference Room A: Joint appointment to fill Planning Board vacancies**

The Board moved their meeting to Conference Room A for the purposes of joining the Board of Selectmen in appointing new members to the Planning Board. A notice was posted on Planning Department Office door indicating the time the Board left the room, the location of the joint meeting and indicating that the Board would reconvene at in the Planning Department office after the joint meeting was over.

A joint meeting of the Board of Selectmen and the Grafton Planning Board was held on June 21, 2016 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Board of Selectmen. Members present for the meeting were Chairman Jennifer Thomas, Vice Chair Craig Dauphinais, Clerk Bruce Spinney, Brook Padgett and Sargon Hanna. Planning Board Members present for the meeting was Chairman Michael Scully, Vice-Chair Robert Hassinger, Clerk David Robbins, and Linda Hassinger. Staff present was Town Administrator Tim McInerney, Town Planner Joseph Laydon, and Assistant Planner Ann Morgan.

It was noted that there were two applicants for the two existing vacancies. Tracy Lovvorn was present and asked to introduce herself. Ms. Lovvorn noted that she was interested in filling the full member vacancy. She reviewed her background and interest in the position. Mr. Hassinger noted that, according to the Town Charter, if appointed she would serve for one year until the next election.

Mr. Scully and Mr. Spinney both thanked her for interest in serving the Town. Mr. Scully noted that there are a number of vacancies on other boards and committees and encouraged people to volunteer their time and serve. Mr. Hassinger asked if she was familiar with the meeting schedule and could commit to it explaining that many of the applications before the Board requires a supermajority vote of 4 out of 5 members. She stated that she was aware and was able to commit to it.

**MOTION** by Mr. Hassinger, **SECOND** by Mrs. Hassinger to appoint Tracy Lovvorn as a full member to the Planning Board until the next Town election in May 2017. **MOTION** carried unanimously 4-0 for the Planning Board and unanimously 5-0 for the Board of Selectmen.

Ms. Thomas stated that there was an applicant for the Associate Member vacancy. Sharon Carroll-Tidman sent a letter of interest but could not be present at the meeting. Ms. Thomas asked if both Boards were comfortable moving forward with discussing the application of they wanted to wait until she could be present. No one from either Board objected to moving forward with the appointment.

**MOTION** by Mr. Spinney, **SECOND** by Mr. Scully to appoint Sharon Carroll-Tidman as the Associate Member of the Planning Board to serve for two years. **MOTION** carried unanimously 4-0 for the Planning Board and unanimously 5-0 for the Board of Selectmen.

The Board moved their meeting back to the Planning Department Office and continued with their workshop. Tracy Lovvorn joined the meeting.

### **3A. Workshop: Discussion of Marijuana By-Law Development - continued**

The Board welcomed Ms. Lovvorn and noted that she can participate in meeting but would not have voting privileges until she was sworn in by the Town Clerk. Mr. Hassinger provided her an overview the discussion about marijuana by-law development which took place prior to the joint meeting with the Board of Selectmen.

The remainder of the workshop focused on a) the need to discuss the Board's options with Town Counsel and b) what questions can be forwarded to Town Counsel in advance of that meeting so that she can be prepared to discuss the Board's concerns. Issues identified included:

- What is the time frame for the development of local controls / zoning changes once and if legislation to legalize recreational marijuana passes? Should the Board be looking to Fall Town Meeting 2016 to address the issue with ZBL changes?
- How or can the Town tighten up its existing By-Law language on medical marijuana to cover both medical and recreational uses. How to craft language that is generic to cover both and how to avoid duplicative language if they have to be kept separate.
- Are there any examples from other Towns that may be useful in guiding the Board. Mr. Scully noted that he had done some earlier research that might be helpful to the Board and agreed to resend it to staff for distribution.
- Should there be a separate section in the ZBL specific to marijuana (similar to Wireless Facilities section)? What type of dimensional / set back requirements could be adopted and how stringent can they be before they are deemed arbitrary and capricious by the Attorney General's office?

- Provide the Board with an overview and opinion of the initiative petition and in particular the Town's options as it relates to the responsibilities of the Cannabis Commission. Sections of particular concern are:
  - Section 4, Subsection C.4 – Shared Locations
  - Section 3A, Paragraph 1 – does the wording “shall not permit” give the Board flexibility to review non-medical marijuana with separate standards?
  - Section 3D – Local Control - Host agreements – can it be conditioned as part of a Special Permit process or would this be the responsibility of the Board of Selectmen? What types of parameters would be allowed? Is it feasible for the Town to establish a licensing structure / enforcement protocol for this use? Does the Town have the right to limit the number of licenses (similar to the ABCC)
- Permit Review – can the Town require periodic review of the requirements of a Special Permit to ensure that the Owner is meeting all the Town requirements set for conditions? Can the Board set a sunset provision for the life of the permit as a condition? Can a permit be conditioned to run with the Owner and not the land?
- Can the Town prohibit medical marijuana sales facilities from including recreational marijuana sales? Concern was raised that Owners with an existing medical marijuana license and local special permit would expand their operations to include recreational sales including but not limited to food products and paraphernalia without needing additional local approvals. Can permits be limited in scope and expanded up by modification at the discretion of the Board and / or Town?

Mrs. Hassinger noted that it would be helpful to reach out to our legislative delegation to get a better understanding of the political environment and the legislative process to date.

#### **4. Adjournment**

**MOTION** by Mrs. Hassinger, **SECOND** by Mr. Robbins to adjourn the meeting. **MOTION** carried unanimously 4 to 0. The meeting was adjourned at 8:45 p.m.

The sign indicating the relocation of the meeting from Conference Room B to the Planning Department Office was removed from the door after the meeting adjourned.

These minutes approved by the Planning Board on: July 11, 2016.

#### **EXHIBITS**

- Town Of Grafton, Massachusetts Covenant: “Gristmill Village”; dated June 21, 2016; no received date; 4 pages.
- Email Correspondence with Attached Letter of Interest from Tracy Lovvorn; Fwd: Planning Board; forwarded from Michael Scully; dated June 19, 2016; received June 20, 2016; 2 pages.
- Email Correspondence with Attachment; Subject: Planning Board appointment Tuesday, 6/21; submitted by Sharon Carroll-Tidman; dated June 20, 2016; received June 20, 2016; 2 pages.